

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

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SPECIAL CIVIL APPLICATION No 1008 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

PRAVINCHANDRA C VAISHNAV

Versus

G S R T C

Appearance:

MR HK RATHOD for Petitioner

MR YS LAKHANI for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 28/07/97

ORAL JUDGEMENT

The petitioner - Pravinchandra C. Vaishnav had filed this Special Civil Application challenging his termination order dated 31.7.96 with the direction to the respondents to reinstate him on the post of Peon with continuity of service and full backwages for the interim period. Earlier the services of the petitioner had been terminated by the Corporation on the ground of the petitioner being unfit to discharge the duties of

conductor on account of paralytic attack. The petitioner had prayed that he may be reinstated as a Peon.

With the consent of the learned counsel for both the sides, it was ordered on 9.7.97 that the petitioner may be sent for Medical Examination by the Corporation's Doctor as both the parties agreed that they would abide by the Certificate given by the Corporation's Doctor on the question of petitioner's fitness for the post of Peon.

Today Mr. Lakhani has produced the result of the Medical Examination in a sealed cover before this Court. The Corporation's Doctor has opined that the petitioner is fit to discharge the duties of a Peon. In the sealed cover, the Medical Officer of S.T. Dispensary, Amreli has sent his original letter dated 23.7.97 addressed to the Divisional Controller, Amreli as also the Medical Certificate dated 23.7.97 in respect of petitioner's fitness. Both these documents are taken on record. However, it is ordered that the photostat copies of these documents may be retained in the Registry; one set of photostat copies of these documents be given to Mr. H.K. Rathod and the original may be passed on to Mr. Y.S. Lakhani, who is appearing for the Corporation.

Accordingly, it is ordered that in terms of the consensus, which was recorded in the order dated 9.7.97, the petitioner will be adjusted in the services of the Corporation as a Peon and recategorised in the pay scale of Peon with continuity of service as if his services were not terminated on 31.7.96 but for the period on and from 1.8.96 to 31.7.97 the petitioner gives up his claim for wages and he will be entitled to the wages only on and from 1.8.97 and no wages for the period between the date of termination i.e. 31.7.96 and 31.7.97. The petitioner shall report on duty on 1.8.97 before the Divisional Controller, Amreli.

This Special Civil Application is allowed in the terms as above and Rule is also made absolute accordingly. No order as to costs. Direct service to both the parties.